



## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Residence and premises located at GPS coordinates  
36.0408, -108.706917 in Naschitti, New Mexico 87325

Case No. 22-MR-507

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attachment A

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

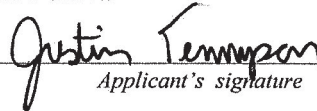
The search is related to a violation of:

Code Section	Offense Description
18 USC §1201(a)(1)	Kidnapping Resulting in Death

The application is based on these facts:

See attached affidavit that was approved by Assistant United States Attorney Joseph Spindle

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

Justin Tennyson, Special Agent, FBI  
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
 Telephonically sworn and electronically signed (specify reliable electronic means).

Date: 3/30/22



City and state: Farmington, New Mexico

B. Paul Briones, US Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR SEARCH WARRANT**

I, Justin Tennyson, depose and state as follows:

**Introduction and Agent Background**

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been so employed since July 2014. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency. My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country to include assaults and murders. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

2. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, tribal, and local law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation.

3. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at GPS coordinates 36.0408, -108.706917 in Naschitti, New Mexico 87325 (hereinafter referred to as the “TARGET PREMISES”). A more detailed description and photograph of the TARGET PREMISES is contained within Attachment A, which has been attached hereto and incorporated herein by

reference. Your affiant has set forth only the facts that your affiant believes are necessary to establish probable cause for a search warrant that violations of United States Code Title 18 §1201(a)(1) – Kidnapping resulting in death, were committed by Elias VIOLA and evidence, fruits, instrumentalities of, or property intended for use in those violations will be found at the TARGET PREMISES.

**PROBABLE CAUSE**

4. On September 17, 2021 at approximately 4:04 p.m., W.K., hereafter John Doe or Doe, was reported missing by a family member to local authorities in Gallup, New Mexico. The reporting family member, Y.R., stated Doe was last seen on September 16, 2021 at around 11:00 p.m. at Y.R.'s residence in Gallup, New Mexico. The McKinley County Metro Dispatch Authority (MCMMDA) contacted T-Mobile US, Inc., Doe's wireless carrier, who stated that John Doe's phone was turned off.

5. Y.R. was interviewed by a Detective at the Gallup Police Department on September 20, 2021. Y.R. stated that she had went to bed around 11:15 p.m. on September 16, 2021 and thought that Doe was home at the time. On September 17, 2021, Y.R. went about her daily activities and then her adult son, K.K., came over and had asked if Doe was there. K.K. told Y.R. that he had received a text message from Doe's girlfriend, D.B., that had asked where Doe was because she was last told by Doe that he was going to go with K.K. around 10:38 p.m. on September 16, 2021.

6. Y.R. and K.K. went into Doe's bedroom and noticed that his wallet was there, which Y.R. thought was odd, but Doe was not at the residence. K.K. told Y.R. that he had spoken with Doe in the afternoon on September 16, 2021.

7. On September 23, 2021, a person was observed laying in the field near County Road 1-C, commonly referred to as Tsayatoh Road, in Mentmore, New Mexico. The area is within the external boundaries of the Navajo Nation. Law enforcement arrived on scene and observed that the male had a tattoo on his left arm with the numbers "12" and "5". Doe's family members were contacted and they stated that Doe had the birthdate of his son tattooed on his left arm, which includes the numbers "12" and "5". Other identifying characteristics, such as height and weight, appeared to be a match to Doe. Doe was pronounced deceased by the Office of the Medical Investigator (OMI) on September 23, 2021. The affiant received notification from the OMI on September 29, 2021 that Doe was positively identified via prints.

8. Doe had a hole in his chest. Doe was wearing a black shirt that was ripped on the right side and was pulled up to his chest area. The left pocket of his gray shorts was turned inside out. There were scratches on the right side of Doe's torso. There were dark colored hairs located in the left hand of Doe which were seized as evidence. Doe's cellular telephone was not located on him and it is unknown at this time where the cellular telephone is currently located. A black, size 11 Nike Metcon shoe was found near Doe's body. Doe was not wearing shoes when he was discovered.

9. On September 24, 2021, D.B. was interviewed by law enforcement at the Gallup Police Department (GPD). D.B. stated she had been in an on and off again relationship with Doe for around a year. D.B. stated she was in Farmington, New Mexico on September 16, 2021 as she works there through the week. D.B. was communicating with Doe during the day as well as in the evening on September 16, 2021. In the daytime, Doe and D.B. were arguing and Doe accused D.B. of not loving him but D.B. assured Doe that that wasn't the case. In the evening,



Doe told D.B. that he was getting ready to go with his brother, K.K. The last communication that D.B. had with Doe was around 10:38 p.m.

10. On September 30, 2021, K.K. was interviewed by law enforcement. K.K. stated he had been with Doe in the afternoon of September 16, 2021 at K.K.'s residence. K.K. did not have any other plans to meet up with Doe that evening but was going to meet with him the following day. K.K. did not know who Doe would have been meeting with late at night.

11. The Report of Findings for Doe dated October 06, 2021, which was generated by OMI, revealed a manner of death as homicide and the cause of death as multiple injuries. The Postmortem Examination report stated that Doe was in a moderate state of decomposition. Decomposition changes limited the ability to detect and accurately characterize injuries. There was a stab wound of the chest that entered the thoracic cavity and injured the heart, left lung, and aorta, with pooling of blood in the left side of the chest. A large, gaping, indeterminate injury involved the skin and soft tissue of the back of the head, with fractures of numerous bones of the skull, and exposure of the brain to air. The brain had undergone extensive disruption and changes of decomposition. Additional injuries involved a defect to the forehead, small circular defects to the left side of the neck, and numerous fractures of the bones of the face.

12. On October 12, 2021, the affiant received the search warrant results (Case Number 21-MR-1396) from T-Mobile US, Inc. for Doe's cellular telephone account. The toll records revealed that Doe was in contact with a phone number, 505-713-0405, during the evening hours on September 16, 2021, before Doe went missing and was killed. A grand jury subpoena for the aforementioned telephone number revealed the subscriber to be Shannon ETSITTY. ETSITTY and Doe communicated via text message until approximately 10:37 p.m., which is around the time that D.B. was told that Doe was leaving his residence to go with K.K.

ETSITTY's subscriber address is approximately one mile from the location of where Doe's body was found and is one of the few residences in the general area.

13. The Court issued a search warrant for text messages relating to ETSITTY's phone number from her service provider. On November 02, 2021, the affiant received the search warrant results (Case Number MR211574). A review of the text messages between ETSITTY and Doe revealed that they began to arrange a sexual meeting with each other on September 14, 2021. It is unknown if they met that night but ETSITTY stated that she wanted to "cuff" Doe, which the affiant believes meant that she wanted to handcuff Doe. Doe and ETSITTY again planned to meet during the evening of September 16, 2021 rather than Doe meeting with K.K. as he had told D.B. They began to exchange text messages with each other shortly after 6:00 p.m. as ETSITTY started the text message conversation with Doe. Seemingly, Doe believed that he was meeting ETSITTY to have sexual relations with her. At approximately 6:31 p.m., ETSITTY sent a text message to C.S. and asked if she had any more black gloves. The reply was that she didn't and ETSITTY was asked why she had asked but ETSITTY did not reply via text message. C.S. is ETSITTY's mother and is believed to be a maid or work in some type of janitorial capacity and would likely have black latex gloves to complete her duties.

14. In the text exchanges, ETSITTY agreed to have sex with Doe in her vehicle. Doe had told ETSITTY that he did not have a vehicle. Doe wanted to have sex in the parking lot of his apartment complex, but ETSITTY stated that she didn't want to do that and wanted to "go somewhere dark to smash." Affiant interprets the term "smash" was used to reference sexual relations. ETSITTY told Doe that she was by herself when asked by Doe and that she was currently on the north side and had her sister's red car. It is noted that ETSITTY's earlier messages to other individuals on September 16, 2021 revealed that she was with VIOLA at this

time and that she wanted to obtain money because she was sober and needed to get some “more.” The affiant interprets this to mean ETSITTY wanted to obtain “more” drugs and/or alcohol.

15. On September 16, 2021, ETSITTY was also communicating with 505-713-5327. A grand jury subpoena revealed the subscriber of 505-713-5327 to be Halbert SAM, hereafter SAM. At approximately 9:02 a.m., SAM texted ETSITTY, “Wyg at.” The affiant interprets this to be SAM asking where VIOLA and ETSITTY were at as it appears they were together at the time. ETSITTY stated they were trying to figure out what to do that day as they didn’t have any gas. At approximately 8:29 p.m., ETSITTY texted SAM the location of where they were at, described as the “2 row on the right” and “row 11”. A review of VIOLA’s text messages seized pursuant to a search warrant (Case Number 21-MR-1606) revealed that VIOLA made a purchase at Walmart at approximately 8:28 p.m. Law enforcement believes that ETSITTY, VIOLA, and SAM met together at around this time.

16. On September 16, 2021, ETSITTY arranged to pick Doe up outside of his residence and text messaged Doe at approximately 10:25 p.m. that she was there in a red car and that it did not have a front windshield. Meanwhile, at approximately 10:34 p.m., the telephone number 505-593-0960 texted ETSITTY “?” A search warrant (Case Number 21-MR-1606) revealed the subscriber of 505-593-0960 to be Elias VIOLA. McKinley County District Court records revealed that ETSITTY was in a relationship with a man named VIOLA. Doe responded to ETSITTY that he was waiting for her. At approximately 10:36 pm., ETSITTY again told Doe that she was going around the complex. At approximately 10:37 p.m., Doe stated that he was sitting in his friends ride and that ETSITTY had passed him. There is no indication that Doe was actually with anyone else when he stated this to ETSITTY. This was the last text message that Doe sent to ETSITTY and, therefore, the affiant believes that ETSITTY turned around and



picked Doe up in the red vehicle. The affiant believes that ETSITTY was alone in the vehicle as Doe had asked ETSITTY if she was alone and her response at approximately 9:56 p.m. was that she was.

17. Later that evening, at approximately 10:54 p.m., ETSITTY sent a text message to her sister, P.E. ETSITTY asked P.E. for help as they were stuck. At approximately 11:15 p.m., ETSITTY told P.E. that the cops were there and to be sober. According to McKinley County Sheriff's Office (MCSO) records, deputies arrived at the scene of a disabled car that matched the vehicle driven by ETSITTY around the time of this text.

18. The MCSO records reflected that on September 16, 2021, a reporting party said that there was a car in a ditch near the rock-climbing area off Mentmore Road. The reporting party said there was a shirtless guy standing near the car attempting to wave her down. The reporting party didn't want to stop, so she had called for assistance. The responding MCSO officer was dispatched near the rock-climbing area off of Mentmore Road to the area and arrived at approximately 11:09 p.m. The officer observed a red Chevrolet Aveo passenger car, without a windshield, bearing New Mexico license plate ASXR91, Vehicle Identification Number (VIN) KL1TD56668B112948. The car had crashed in the ditch. ETSITTY was by the driver side of the vehicle and VIOLA was on the passenger side. ETSITTY stated she was ok but VIOLA stated that his head was hurting and felt like he was going to pass out. ETSITTY stated they were traveling westbound on Mentmore Road and a car was coming in their direction and they had swerved off the roadway to avoid hitting the other vehicle. ETSITTY stated she had called her sister to help tow them out.



19. The MCSO officer asked for registration paperwork for the vehicle. VIOLA stated that he had purchased the vehicle but he had not received the title yet. VIOLA expected the seller to mail some paperwork to him confirming the transaction.

20. The affiant spoke to the responding MCSO officer and he confirmed that ETSITTY's sister arrived at the crash site that evening. ETSITTY told the officer that she was going to her nearby home, since a family member was watching her child. ETSITTY and VIOLA's vehicle was towed back up to the roadway and they left in their vehicle.

21. The affiant reviewed the photographs and body camera footage taken after the crash involving ETSITTY and VIOLA by the MCSO on September 16, 2021. ETSITTY confirmed her cellular phone number was 505-713-0405. After the MCSO officer realized there was blood on the ground, the officer asked if one of them was bleeding. VIOLA stated he had a bloody nose. In the photographs, a reddish substance appears to be on the right side of the steering wheel, the gear selector between the driver and passenger seats, on the front passenger side floor mat, on the interior passenger side door, and on the interior passenger side window pillar. A dark substance was on the ground near the front passenger side door of the vehicle.

22. On November 03, 2021, the affiant went to the site of the aforementioned crash and conducted a search of the area. The location of the crash was approximately 1.8 miles from where Doe would have been picked up at his apartment complex according to the directions Doe had gave to ETSITTY via text message on September 16, 2021. A size 11 black Nike Metcon shoe and black cellular telephone case were seized as evidence. The shoe was approximately 31 feet from the tire tracks that were still on the ground from ETSITTY and VIOLA's vehicle being towed back to the roadway. The shoe appeared to be identical to the one that was seized on September 23, 2021 near Doe's body. Y.R. was contacted and confirmed to law enforcement that

Doe was wearing size 11 black Nike Metcon shoes as she still had the receipt from when she had purchased them in December 2020. Therefore, law enforcement believes that one of Doe's shoes was near the location of Doe's body when it was discovered on September 23, 2021 and the other was discovered near where ETSITTY and VIOLA had crashed their vehicle on September 16, 2021.

23. Law enforcement has reviewed the text messages between ETSITTY and VIOLA. On September 14, 2021, which is two days prior to Doe's arranged meeting with ETSITTY, ETSITTY told VIOLA that she hasn't told her dad that they were talking and VIOLA's pickaxe and shovel were at her house. ETSITTY told VIOLA that there was a "fool" in Farmington, NM that was talking shit to her and tells VIOLA that "We need to get this mofo" and "I aint playing." ETSITTY later stated "Maybe gotta hide his body well aee see." The affiant believes that ETSITTY was telling VIOLA that she might kill this individual and hide his body. The affiant does not believe ETSITTY was referring to Doe when speaking about this individual as Doe did not live in Farmington, NM.

24. Early on September 22, 2021, which is a little over five days after Doe's arranged meeting with ETSITTY and the day prior to Doe's body being discovered, VIOLA asked if that dude from Farmington was still talking shit to ETSITTY. ETSITTY told VIOLA that she blocked him. VIOLA then stated, "Wha thought he was next." The affiant believes this conversation showed that VIOLA thought the individual from Farmington, NM was going to get killed next after the homicide of Doe.

25. In a text message exchange later that morning, ETSITTY asked VIOLA if he could come out sometime soon and "get the stuff yourself? Heard people are going to search that backrode today with atv and horses." VIOLA responded, "Just leave it just let them get me I give

up you got a whole life in head of you.” ETSITTY replied that she was praying things would be okay. Y.R. confirmed that they were using ATV’s and horses in the Mentmore, NM area to try and locate Doe in the days prior to Doe’s body being found. The affiant believes that this indicates that ETSITTY was concerned that Doe’s body was going to be found near her residence but VIOLA would take responsibility for the homicide of Doe, likely because ETSITTY is approximately nine years younger than VIOLA.

26. Later on September 22, 2021, SAM began to communicate with ETSITTY and told her that they should get high. ETSITTY responded, “Fuck you” and the reply stated, “You can stab me if you want.” This was stated approximately a week after Doe had went missing and was later found with a stab wound.

27. On September 23, 2021, at approximately 11:22 a.m., ETSITTY sent a text message to SAM and stated, “Elis ready to be picked up.” At approximately the same time, first responders would have been dispatched to the location of Doe’s recently discovered body and would have likely had to pass ETSITTY’s residence to respond to the scene. Therefore, the affiant believes that this text message indicates that VIOLA was present at ETSITTY’s residence when first responders began to arrive nearby and wanted to get away from the scene.

28. Later that day, ETSITTY had a conversation with P.E. The conversation appeared to be discussing Doe’s body being discovered by first responders/law enforcement and P.E. having the vehicle that ETSITTY had used:

- P.E. at 4:16 p.m.: You didn’t burn that shit?!
- P.E. at 4:22 p.m.: Yall are fucking me up dude.
- ETSITTY at 4:33 p.m.: Lmao do it then
- P.E. at 4:34 p.m.: Wtf man.

- ETSITTY at 4:36 p.m.: What lol all scared haha dude don't make a big deal about it.
- P.E. at 4:39 p.m.: Yeah Im scared. Theres a bunch of flies and that shit stinks. You should have bagged it and taken it with you. Fuck man. Im scared
- ETSITTY at 4:41 p.m.: Just burn it
- P.E. at 4:43 p.m.: Burn it while theres ppl and detectives driving by?? Ill burn it tonight. Do yall know where my tail light could be?? Im mainly worried about that

29. On September 25, 2021, SAM texted ETSITTY about VIOLA. SAM explained that VIOLA had dropped him off last night and that VIOLA thought that ETSITTY had snitched. ETSITTY replied that she wasn't a snitch and that VIOLA was the one that was, "telling that old lady that were involved in a murder."

30. On September 30, 2021, ETSITTY asked VIOLA if he knows an individual named R.T. VIOLA asked ETSITTY if he needed to "get got" because VIOLA would do anything for ETSITTY. The affiant believes that VIOLA was asking ETSITTY if R.T. needed to be killed by him (VIOLA).

31. On October 02, 2021, VIOLA sent a text message to ETSITTY that stated, "Did you see what I put on Facebook my psycho other half." Law enforcement reviewed the Facebook profile used by VIOLA and on October 02, 2021, VIOLA had posted, "BITCH I WILL PUT YOU IN A TRUNK AND HELP PEOPLE LOOK FOR YOU STOP PLAYING WITH ME." The post had three likes, one of which was by an account utilized by ETSITTY.

32. On October 18, 2021, VIOLA posted a picture on his Facebook page of the "Chucky" horror movie doll with another female doll that appears to have blood on her face and the caption states, "When the toxic couple take a photo together." VIOLA commented "Haha that's why me and my kitty don't take pictures or tag each other together anymore cause we kill



like crazy Aye.” The affiant knows the Chucky doll to be a character in the Child’s Play slasher film franchise and Chucky is a serial killer in the movies. The post had one like on it, which was by ETSITTY’s account. Another post on October 18, 2021 by VIOLA stated, “Going to be Micky on Halloween who wants to be my Mallory... Natural Born Killers.” This post also had one like it, which was by ETSITTY’s account. The affiant knows that Natural Born Killers is a film about two individuals, Mickey and Mallory, who are lovers and go on to become mass murderers with victims in New Mexico and other states.

33. On October 24, 2021, VIOLA has posted a picture of a male individual laying in what appears to be a hospital bed and a female is lying next to him with her head on his shoulder and they have their eyes closed. The caption of the picture states, “I want the type of girlfriend that will...STAB ME PUT ME IN THE HOSPITAL AND THEN STAY BY MY SIDE SO I DON’T SNITCH” and VIOLA had also placed the name of ETSITTY’s first name on the post.

34. On November 03, 2021, ETSITTY posted a comment on her Facebook wall about her being single. VIOLA commented, “hoo do I kill now.” On November 10, 2021, VIOLA posted, “Guess I was single for this past 3 mouths and I didn’t know about it here I been saying I miss my kitty Kat and we went threw a miscarriage last month and well guess them fuck boys in Gallup must be good but remember what happened to the last fuck boy you had. I don’t see him around haha god rest his soul when I am doing the Devil work when you mess with one of my Baby momma’s 100 Stay SICK’O All day.” The affiant believes that VIOLA is referencing the murder of Doe in this post.

35. The Court issued a search warrant for VIOLA’s text messages from his service provider. On November 12, 2021, the results of the search warrant (Case Number 21-MR-1606) served to Cellular One were received for VIOLA’s cellular account. A review of the messages

between ETSITTY and VIOLA revealed that on October 12, 2021, ETSITTY stated that that “fool” keeps popping up in her head. ETSITTY goes on to state, “They don’t have any evidence or nothing. But he already put 6feet down.” VIOLA advised ETSITTY not to think about it and ETSITTY stated, ... “it’s the smell that I smell. Smells like that dudes blood and its just nasty.” They go on to talk about ETSITTY being pregnant and VIOLA stated, “So is it mine or that dead guys that’s probably why you tripping out.” The affiant believes ETSITTY and VIOLA were discussing the murder of Doe during these text messages.

36. On October 14, 2021, VIOLA sent a text message to ETSITTY that stated, “Im the one always fucking up and killing for the wrong reason and not killing the one that needs to like me I should be dead.” On October 15, 2021, ETSITTY asked VIOLA how he was doing and VIOLA replied, “Im doing ok kitty for real I just miss you and son like crazy my be you just worried about me seen how happy when I was killing and how I had a smile when I was doing it maybe.” The affiant believes VIOLA was discussing the murder of Doe in these messages.

37. On October 16, 2021, ETSITTY stated to VIOLA, “I feel like killing kitty.” The affiant notes that in reviewing the text messages between ETSITTY and VIOLA, they appear to call each other “kitty”. VIOLA responded, “Kitty dont”. ETSITTY replied, “Idk kitty.” VIOLA replied, “Kitty Im be there for you no matter what you choose just make sure its what you really want to do kitty just think about it you know.” ETSITTY replied, “Now you tell me that lol. What about you lol, you didnt think about it before you did it. I just wanna go crazy.” ETSITTY goes on to state that she thanked VIOLA because she was someone else and not weak anymore. ETSITTY stated she felt like going on a crazy killing spree.

38. On October 22, 2021, VIOLA sent a text message to 505-593-1686 that stated, “Were tell him lets take in the red car ASAP.” The response was, “He said no gas but hes down.”

VIOLA then text messaged ETSITTY that his plan was to take in the red car, which the affiant believes to be the same vehicle involved in the crash on September 16, 2021 involving ETSITTY and VIOLA. VIOLA then told ETSITTY at approximately 4:16 p.m. that he was towing in the car. ETSITTY stated, "Oh okay so you towed it in?" VIOLA stated that he had.

39. On October 23, 2021, ETSITTY sent a text message to VIOLA that discusses the "fool" pulling the wheel and getting them stuck. The affiant believes that ETSITTY is referencing Doe grabbing the steering wheel of their vehicle on September 16, 2021 which had caused the vehicle to crash and become stuck.

40. Affiant began contacting local tow lots to determine if they had acquired possession of the red car that ETSITTY and VIOLA had used on September 16, 2021. Affiant determined that the car was located at an auto salvage and recycling business near Gallup, New Mexico. The Manager of the business stated that the vehicle was turned in on October 25, 2021 and provided a receipt for the transaction to the affiant. The business was not able to locate a Bill of Sale for the vehicle.

41. On November 16, 2021, the affiant seized the vehicle that ETSITTY and VIOLA were using on September 16, 2021 from the recycling business. The vehicle had noticeable differences when viewed from the open front driver's side window from how it had appeared on the MCSO officer's body camera footage and photographs from the wreck on September 16, 2021. A broken front windshield had been taped on. There didn't appear to be any front floor mats. The front passenger door handle and hood had been removed. A white substance had been put on various places of the interior of the vehicle to include the steering wheel. The red substances that were visible on the steering wheel, gear selector, interior passenger door, and on

the interior passenger side window pillar were no longer readily visible. A cotton swab was left on the front passenger seat.

42. The Court issued a search warrant (Case Number 21-MR-1648) for the red Chevrolet Aveo bearing New Mexico license plate ASXR91 with V.I.N. KL1TD56668B112948. Members of the FBI Albuquerque's Evidence Response Team (ERT) executed the search warrant on November 30, 2021. Blue-star reagent was utilized to locate possible blood evidence and indicated extensive probable blood evidence within the vehicle. Possible blood evidence was collected from the front passenger seat, door frame, headliner, rear passenger area, and trunk. Evidence of cleaning/wiping consistent with the cleaning/destruction of evidence was observed throughout the vehicle, particularly evident on hard surfaces. The back bench seat had been removed prior to the vehicle's seizure and was not available for examination. The hood had been placed in the interior of the vehicle prior to the vehicle's seizure. The letters "ESV" and "Sick'o" were written on the vehicle's hood in what appears to be a spray paint like substance. The letters written on the hood are the same initials as VIOLA.

43. The Court issued a search warrant for VIOLA's Facebook account. On November 24, 2021, the results of the search warrant (Case Number 21-MR-1613) were received. A review of the messages between VIOLA and ETSITTY revealed that on November 03, 2021 they were arguing with each other. VIOLA stated, "U was the one liein to me and I had to kill that fucker and more needs to come." ETSITTY's response was, "Uhkay see you keep bringing that shit up and that's the reason why I ain't want you no more. You bring up old shit way to much and I'm not trying to live the rest of my life in the past." The affiant believes that VIOLA referenced killing Doe and ETSITTY acknowledging it but not wanting to talk about it.



44. Later that day, ETSITTY sent a Facebook message to VIOLA that stated, “Nah it was brought up to me today. And you know I would've stabbed helbee if he ever hit on me and shit you know that straight up! Don't question my loyalty when your the one who ruined everything. When your the one telling that old lady were involved in a murder and had the fucking balls to tell helbee that I was the fucking snitch! THE FUCK. DO WHATEVER THE FUCK YOU WANT IM SERIOUSLY DONE 100 ALL I WANT IS MY SON TO HOLD ME AND WIPE MY TEARS BECAUSE HES THE ONLY MAN IN MY LIFE THAT TRULY LOVES ME.” The affiant believes that ETSITTY was referencing the murder of Doe and that VIOLA had told someone else about them committing it.

45. The Court issued a search warrant for ETSITTY's Facebook account. On December 22, 2021, the results of the search warrant (Case Number 21-MR-1613) were downloaded. ETSITTY was observed to be in several Facebook groups that reference missing people to include the following: Missing Person in New Mexico and United State, BeUnited Missing Persons – California, Arizona, Missing Flowers MMIWM – Missing Murdered Indigenous Women & Men, and Missing & Murdered Indigenous Relatives No Borders. ETSITTY added the following to her profile between September 27, 2021 through October 26, 2021: McKinley County Sheriff's Office, Help Find Missing – Laverda Sorrell, Missing Persons Of The 21 Pueblos, Unidentified Indigenous Relatives, McKinley County Fire & EMS, ABQ Auto Salvage & Recycling, Gallup, New Mexico – Missing Persons, Shiprock Police Department Navajo Nation, Navajo Police Department Recruitment, and Help Find Missing – Jamie Yazzie

46. On September 02, 2021, ETSITTY had posted a status update that referenced driving around without a front windshield. On that same update, ETSITTY went on to state,

“#FUHHKKINN!SHANNONANDELIAS!!ONLYNIGGASTHATDONTGIVEAFUCK&DOST OOPIDSHIT”.

47. On December 02, 2021, ETSITTY was messaging with P.E.. and was discussing an online argument she was having with someone. P.E. told ETSITTY that she should “test her then lmfao”. ETSITTY replied that she wanted to “but something is telling me no because Im going to go psycho and have fun with this body kinda making me excited I need to let out some emotions.” The affiant believes ETSITTY was discussing killing the individual she was having an online argument with.

48. The affiant sent various evidence items that have been seized in the investigation, to include items seized from the search of the red Chevrolet Aveo, to the FBI Laboratory in Quantico, VA in December 2021 for examination. The results are currently pending.

49. On March 22, 2022, a mirandized interview of VIOLA was conducted by law enforcement. On September 16, 2021, VIOLA stated he got with ETSITTY that day and she had told him that she had been “messaging” with a couple of guys. VIOLA told ETSITTY that he would give up his life for her and that’s when things got serious. VIOLA stated ETSITTY was communicating with Doe on September 16, 2021 and was telling Doe that she could come by and have sex with him. VIOLA stated ETSITTY was alone in the vehicle when she picked up Doe and that there was another individual that assisted that was near VIOLA as Doe was picked up. VIOLA stated he was just supposed to beat Doe up but it had went south. The other individual that got in the vehicle with VIOLA was holding Doe while VIOLA was beating Doe up and ETSITTY took off with all of them in the vehicle. VIOLA stated he and other individual stabbed Doe with either a knife or a tool that was in the vehicle.

50. VIOLA stated that they ended up in the ditch after Doe grabbed the wheel. VIOLA and the other individual had hid Doe's body near the scene of the crash prior to law enforcement's arrival. Doe was later taken via vehicle to the site where he was located on September 23, 2021.

51. VIOLA stated the red vehicle had been cleaned. Doe's blood had got on the front passenger door area as well as the rear bench seat. ETSITTY used Clorox and rags and the vehicle was cleaned at the TARGET PREMISES. VIOLA had removed all of the tools out of the vehicle and had took the rear bench seat out of the vehicle. VIOLA thought the bench seat was still at the TARGET PREMISES. VIOLA gave law enforcement verbal consent to search the TARGET PREMISES for the bench seat but would not sign a consent form.

52. On March 23, 2022, a mirandized interview of ETSITTY was conducted by law enforcement. ETSITTY stated she was alone when she picked up Doe in the red vehicle on September 16, 2021. ETSITTY stated that VIOLA was just supposed to beat Doe up. VIOLA had came in through the front windshield after she had picked Doe up and SAM had came in the rear passenger door. VIOLA and SAM had beat up Doe. VIOLA had stated he used a screwdriver to stab Doe and VIOLA had also used a bat. ETSITTY stated the red Chevrolet Aveo that was used to pick up Doe was cleaned at VIOLA's residence by ETSITTY and VIOLA, although you could still see blood spats after it was completed. The vehicle had been towed to ABQ. This corroborates the observations made by the FBI Evidence Response Team after they had completed a search of the vehicle on November 30, 2021 that evidence of cleaning/wiping consistent with the cleaning/destruction of evidence was observed throughout the vehicle, particularly evident on hard surfaces.

53. ETSITTY stated that VIOLA had taken Doe's cellular telephone. ETSITTY wasn't sure what VIOLA had done with it. ETSITTY stated that VIOLA tossed the screwdriver where they had crashed but should still have the bat that was used to attack Doe.

54. On March 29, 2022, P.E. was interviewed by law enforcement. P.E. stated that ETSITTY told her that VIOLA and SAM had beat up Doe. VIOLA had a gun and used a screwdriver to stab Doe. VIOLA also had a shovel that he had allegedly gotten rid of along with the screwdriver.

55. A review of the text messages obtained via a search warrant (Case Number MR211574) between ETSITTY, VIOLA, and SAM reveal conversations that discuss firearms. On September 20, 2021, VIOLA asked ETSITTY, "Were the 32 at?" The affiant interprets this to mean VIOLA asking ETSITTY where the .32 caliber firearm was located. A few minutes later, ETSITTY asked VIOLA, "You bring the shotgun?" ETSITTY went on to ask VIOLA to shoot a dog. On September 21, 2021, SAM text messaged ETSITTY, "Get the gun bk". The affiant interprets this as SAM telling ETSITTY to get the gun back. SAM later states, "You get dat 32". Affiant interprets this to be asking about a .32 caliber firearm. ETSITTY later that day tells VIOLA that, "We need to get that shit".

56. Law enforcement contacted a representative at General Motors and inquired about the aforementioned red Chevrolet Aveo with V.I.N. KL1TD56668B112948. Law enforcement was informed that the vehicle was built in GM's Bupyeong 1, Korea plant on October 19, 2007. The vehicle was imported to the United States on/around September 27, 2007 and arrived in the San Francisco Bay area. After arrival to the United States, the vehicle was delivered to a business in California. The vehicle had warranty service from a business in Albuquerque, NM in 2010. The affiant therefore believes that ETSITTY willfully and unlawfully seized, confined,



inveigled, decoyed, kidnapped, abducted, and carried away Doe, and otherwise held him for her own benefit and purpose, and used and caused to be used an instrumentality of interstate commerce, namely, a Chevrolet Aveo motor vehicle, in committing and in furtherance of the commission of kidnapping, which resulted in the death of Doe.

57. The weapon(s) used to murder Doe have not been found and seized by law enforcement to date.

58. Based on my training and experience, offenders often keep weapons, to include knives and firearms, which have been used in violent crimes at their residence or on their person. Offenders in Indian Country with fewer than average material possessions are known to keep weapons at their residence because they are used as everyday tools.

59. Additionally, VIOLA used his cellular telephone to speak with ETSITTY and a review of their conversations revealed that he has made statements that reference the murder of Doe after it occurred.

### **CONCLUSION**

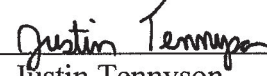
60. Based upon the information contained herein, your affiant believes that there is probable cause to search the TARGET PREMISES, described in Attachment A, for the items described in Attachment B, which are evidence, fruits, property, and/or instrumentalities of, intended for use in violations of United States Code Title 18 §1201(a)(1) – Kidnapping resulting in death.

61. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) &

(c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

62. Assistant United States Attorney Joseph Spindle has reviewed and approved this affidavit in support of an application for a search warrant.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin Tennyson", is written over a horizontal line.

Justin Tennyson  
Special Agent  
Federal Bureau of Investigation

Telephonically sworn and electronically signed before me this 30th day of March 2022

A handwritten signature in black ink, appearing to read "B. Paul Br...", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**Place to Be Searched**

The place to be searched is a log cabin located at GPS coordinates 36.0408, -108.706917 in Naschitti, New Mexico 87325. A picture of the residence is attached below. The search of the TARGET PREMISES shall include the entire residence and all outbuildings, trash cans or containers located thereon on the premises. A picture of the residence is attached below.



**ATTACHMENT B**

**Particular Things to be Seized**

As a result of this investigation, there is probable cause to believe that contained within the interior and/or exterior of the residence located at GPS coordinates 36.0408, -108.706917 in Naschitti, New Mexico 87325, there is evidence related to violations of 18 U.S.C. §1201(a) – Kidnapping resulting in death, involving Elias VIOLA, Shannon ETSITTY, and Halbert SAM, and the homicide of John Doe, y.o.b. 1994. The search warrant authorized the collection of the following:

1. Any weapon or item that could be used as a weapon or pieces/parts of a weapon related to the death investigation to include knives, screwdrivers, pickaxes, shovels, bats, and/or firearms;
2. Rear seat that was removed from the Chevrolet Aveo with Vehicle Identification Number (VIN) KL1TD56668B112948 to include parts or fabric from the seat;
3. Cellular telephones to include John Doe's cellular telephone;
4. Clothing with a red substance that appears to be blood or that contains stains that appear to have been blood